

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LIFEWATCH SERVICES INC.,

Plaintiff,

v.

BRAEMAR, INC. AND
ECARDIO DIAGNOSTICS, LLC,

Defendants.

Civil Action No. 09-CV-6001

JOINT MOTION TO AMEND CERTAIN CASE DEADLINES

Pursuant to Federal Rule 16(b)(4), the parties to this lawsuit, Plaintiff LifeWatch Services Inc. and Defendants Braemar, Inc. and eCardio Diagnostics, LLC, jointly move the Court to amend the scheduling order to extend certain deadlines in this case, as set forth herein.

The parties believe good cause exists to grant this motion. The schedule changes are minor and result in only an eleven day change in when the case will be ready for a Markman hearing. The parties have negotiated and agreed upon the following amended deadlines in the case:

<u>Deadline</u>	<u>New Date</u>
Deadline for the simultaneous exchange of Proposed Claim Terms/Phrases to be Construed, Proposed Constructions, and Identification of Claim Elements for Construction that the Party Contends is Governed by 35 U.S.C. § 112(6), per LPR 4.1(a)	October 14, 2010
Deadline to Meet & Confer to determine which 10 terms or phrases per patent the Court should construe	October 21, 2010

<u>Deadline</u>	<u>New Date</u>
Deadline for Defendants to submit an Opening Claim Construction Brief Deadline for the parties to file a Joint Appendix containing the patent(s) in suit and the prosecution history for each patent.	November 16, 2010
Deadline for Plaintiffs' to submit a Responsive Claim Construction Brief	December 16, 2010
Deadline for Defendants' to submit a Reply Claim Construction Brief	December 30, 2010
Deadline for Plaintiff to submit a Sur-Reply Claim Construction Brief (limited to 5 pages in length)	January 10, 2011
Deadline to submit Joint Claim Construction Chart & Joint Status Report with proposals for Claim Construction Hearing	January 14, 2011
Claim Construction Hearing	TBD at the Court's convenience after January 24, 2011

REQUEST FOR RELIEF

WHEREFORE, the parties respectfully request that the Court grant this motion modifying certain case deadlines as set forth above.

Dated: October 6, 2010

/s/ Jeremy P. Oczek (with permission)

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system on this 6th day of October, 2010.

/s/ John L. Krenn

John L. Krenn